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## Civil Society: Adventures of the Concept before and after 1989\*

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**Abstract:** Respecting the perspective that ‘civil society’ has recently been revived not by academics as a purely theoretical concept but rather by social and political actors as a practical political idea, the article seeks to follow the metamorphoses that the idea’s content and meaning have undergone in changing historical circumstances over the past two decades, especially as reflected in the Czech (and Slovak) discussion. In a historical sequence, it identifies three different political and social contexts that have endowed the idea with specific contents and meanings, and it distinguishes these as three major stages of the metamorphoses. It labels the stages as ‘moral defence before the state’ (before 1989), ‘mobilising the polity’ (1989–1991), and ‘balancing the state’s institutional arrangement’ (since 1994). As it is the last meaning that is contested today in the Czech discussion, some typical problematic points of this case are raised. Finally, a way is suggested in which critical social theory could reflect upon some deficits of the notion of civil society as employed today, so that the latter can still be retained as a normative idea.

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Whether or not we deem the term ‘civil society’ adequate for labelling certain social and political practices in our contemporary societies, the fact is that it has been frequently employed by theorists and political actors over the past decade. We can even say – without much exaggeration – that the revitalisation of the idea of civil society has become one of the most significant events in reflecting on what is at stake in public life today.

The story is well-known. Initiated by the shifting trends in social and political participation in the West – especially in connection with the rise of “new social movements” in the 1970s – the revitalisation process was accelerated by the historical events of transitions from authoritarian to democratic regimes of political rule in Latin America and East Central Europe.<sup>1</sup>

The variety of historical (social-political) contexts within which this event has taken place suggests that the concept of civil society has not been endowed with just one fixed meaning. At the same time, the names of those who have come to participate in the theoretical revival of the concept in the West – ranging from Norberto Bobbio and John Keane, through Andrew Arato and Jean Cohen, Michael Walzer and Charles Taylor, to Edward Shills and Daniel Bell<sup>2</sup> – indicate that the notion in question has been appropri-

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<sup>1</sup>) For a detailed account of the concept’s revival in this very context see for example Chapter I.1 of [Cohen and Arato 1992].

<sup>2</sup>) Recent literature on civil society has already grown abundant. With reference to these authors, see for example [Bobbio 1988, Keane 1988b, Cohen and Arato 1992, Walzer 1992, Taylor 1990, Bell 1988, Shills 1991].

ated by more than one theoretical tradition. This also testifies to both the concept's attraction as well as its elasticity. It is the latter quality – i.e. the concept's elasticity (though understood in specific ways) – that I want to focus on in what follows.

Regardless of the historical or theoretical contexts from which the concept of civil society draws its meaning and content, the concept's recent usage bears one common feature. It is at the same time both a descriptive term and a normative idea. It reflects the character of a certain social and political practice, serving as a conceptual means of its theoretical analysis, and it is employed as a criterion of acceptability or desirability of that practice. In other words, it evokes not only something that in a way already exists, but also something which is worth maintaining and nurturing – something which is wanted, and which is often wanted on a larger scale, more perfectly, on more solid ground.<sup>3</sup>

As such, the notion of civil society – an intellectual heritage of early modernity – has not been brought back into the game by a purely academic concern with the history of ideas. As noted above, its reappearance occurred in intimate relation to concrete social and political struggles: as their theoretical reflection and self-reflection by participating actors. It is the character of our time alone and the tasks we face in public life that seem to give us reasons to resuscitate the classical concept of modern political and social philosophy.

My intention here is not, however, to present our contemporary situation as catching up with what has been lost in the course of historical time from the original modern promise (the promise of enlightenment).<sup>4</sup> What I want to stress here is that the character of our time has made it possible for the concept of civil society to appear as a vivid idea and become a mobilising political slogan. It has often been through this very concept that political and social actors have tended to understand and interpret their public conduct – i.e. goals they seek and ways to achieve them, conflicts in which they are involved, attitudes they take to various public issues, and so forth.<sup>5</sup>

Yet, as I attempt to show here, different historical contexts attach the concept of civil society to specific patterns of public conduct in different manners. As each context determines the practical stakes of civil society, the latter's descriptions also require specific languages in order to correspond with the historically specific experience of social actors. In other words, filling the phrase civil society with some content and especially determining the ways in which it is employed as an interpretative means is not a purely intellectual or theoretical business. The concrete historical circumstances of the action

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<sup>3</sup>) It is the strong normative connotations that distinguishes the concept of civil society from an ideal type in Max Weber's sense. Its normativity does not however preclude the term from becoming a useful means of theoretical analysis of concrete social and political practices. It rather works as a barrier to reaching a basic agreement on what civil society actually represents. It renders the term a politically contested idea. This shifts the concept to a somewhat different position compared to that in which we today find concepts like the state, capitalism, family, science, religion, bureaucracy, the market and others.

<sup>4</sup>) This is how Jürgen Habermas interprets the political changes of 1989 in East Central Europe. See [Habermas 1990a, b].

<sup>5</sup>) I discuss the idea of civil society as a cognitive and normative symbol in a more detailed way in my article [Marada 1996]. The study presented here draws on that article and it develops some ideas outlined there.

that is to be interpreted also play a significant role here. The recent East Central European experience provides us with good evidence of this.

Speaking of the fate of the idea of civil society in this region – with particular attention paid to the Czechoslovak and Czech case – we may observe a three-stage metamorphosis which the idea's meaning has undergone over the last decade or so. In the following, I will attempt to provide the basic characteristics of each of these three stages, presenting the major differences among them as they have been reflected in the changing styles of theoretical language.

### **Civil society as a sphere of authentic conduct**

This notion was first reinvented in connection with the activities of either semi-independent movements, such as the Polish 'Solidarity,' or the dissident movement, as with former Czechoslovakia's Charter 77. More precisely, the concept had already been used for some time within the Polish context before it was appropriated by the Czechoslovak dissident writers. And even then it did not acquire as central a position in the self-reflection of the Czechoslovak opposition movement as it did for the Polish one (represented, besides Solidarity, especially by the Committee in Defence of Workers – KOR). This was not just a matter of literary taste or preference. It also reflected some differences in the situations in which these two movements found themselves, and which affected their activities in styles and objectives.

Jacques Rupnik [1992], tracing the change in character of the reform movement in East-Central European countries after 1968, labels the change as a shift from Marxist revisionism to the idea of civil society. Definitively parting company with Marxism and the leading communist parties as prospective agents of democratic political reforms, the former reformists joined other opponents of the regimes, and the thus-formed dissent started to practice "the 'anti-politics' of emancipation of civil society by its own potential" [Ibid.: 239, 240]. At this point, Rupnik speaks for the Central European region as one whole. Yet at other places he also observes the varying actual historical circumstances that determined the different stakes of the opposition movements in Czechoslovakia, Hungary, and Poland, in the late 1970s and the 1980s.

In short, while in especially the Polish case the concept of civil society was bound to Adam Michnik's idea of 'new evolutionism', a moral conception of citizenship became the horizontal vision of the Czechoslovak dissent. New evolutionism meant a gradual self-organisation of society – no longer under the guidance of an enlightened avant-garde but on the ground of shared experience of deprived common interests or rights. This kind of living experience was to mobilise a spontaneous co-operative social practice. In Czechoslovakia, however, there was rather the tendency to formulate the problem on the individual level. What was at stake was the possibility and capacity of an individual to act and speak in concert with his or her own conscience and will.<sup>6</sup>

This appeal went in both directions: it was addressed to the state authorities as well as the social actors themselves. For it was recognised that the sphere of moral public conduct had shrunk to the extent to which the regime had succeeded in corrupting people's

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<sup>6</sup>) The initial declaration of Charter 77 also focused predominantly on basic individual civil rights such as freedom of speech, religious faith, freedom of conscience, freedom from fear, the right to choose one's profession, etc.

conscience and will. The major battle line between the bureaucratised state and most of society was not marked by outright oppression, which could have kept the moral realms of good and evil or right and wrong distinct and effective. Neither was it based on any clear class division, though many may have profited from their positions within the system. The bureaucratic-ideological colonisation of society, the latter's inclusion into the former, was more effectively achieved through a network of non-violent sanctions – formal and informal – that made loyal and docile public conduct normal and void of moral meaning. What was the dominant issue in the appeal of civil society, then, was the revitalisation of the moral dimension of citizenship, rather than an instrumentally understood and politically relevant public activism.

Charter 77 never gained the character of a mass movement, despite its initial ambition of rousing up the normalised society from apathy, docile resignation, and disinterested servility to the regime. Even though its activity was never suppressed completely, it was from the very beginning safely isolated from the wider social environment. It started its career with the silent sympathies of society, on the one side, and officially advertised counter-acts – for example, denouncing petitions from artists or workers – arranged and enforced by the political authorities, on the other side. This basic feature – i.e. secret sympathy and manifest distance – accompanied the movement's existence almost continually until November 1989. It was only in 1988, the year of the 20th anniversary of the Soviet invasion, when the isolated oppositional activities were joined by a remarkable, though still limited move from outside.<sup>7</sup>

Václav Havel's essay 'Anti-Political Politics'<sup>8</sup> (1984) – which has often been referred to as a literary example of striving for civil society in this situation – targeted the very schizophrenia that marked people's attitudes to the dissident movement, and which affected, to various extents, public behaviour in general. In his essay, Havel addresses the demoralising effects of such a 'loyalty game,' in which both sides knew that it was just a game. The ritualisation of the manifestations of loyalty to the regime – which were incorporated in various kinds of social practices, ways of behaviour and speaking – made them devoid of any deeper moral commitment they could possibly express. By the same virtue, however, the immorality of these seemingly innocent rituals of loyalty to the 'bad' regime disappeared from sight as well, which made it easier for people to practice them. The rituals became individual tools to cope with and get rid of the fatal burden of the political environment, in order to save at least some space for 'normal private life.' In other words, public behaviour largely lost its moral dimension, and became almost purely instrumental in the above sense. Havel places this kind of behaviour in contrast to action, the rational-

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7) The petition 'A Few Sentences' – calling on the regime authorities to respect basic human rights – was perhaps the most remarkable oppositional action of this time. Initiated by dissident circles, it became big enough to make the regime reluctant to persecute the petitioners, yet the number of the latter still remained not much more than 10,000. The large majority of sympathisers once again confined themselves to discussing the growing list of famous people (mostly artists) – announced regularly by Radio Free Europe – who had signed the petition. As a matter of fact, the signatures of famous personalities alone made this action *attractive* (which is not the same value as outright support or mobilising for action) as well as keeping the regime back from a radical repressive response. Some educational and appealing effect, however, can hardly be denied either.

8) [Havel 1988]. The original Czech title of this essay written in 1984 is 'Politics and Conscience' [see Havel 1990: 41-59].

ity or rightness of which is to be measured by values of humanity and truth – and not by calculated bureaucratic efficiency or ideological correctness. His appeal demonstrates the sense in which the ‘anti-political’ spirit of the idea of citizenship coalesced with the moral appeal the idea was to convey before 1989.

Havel finds a space for moral conduct outside politics as understood in the conventional sense of the word, i.e. as exercised by the state authorities. This space outside state politics, however, was not to be imagined as an area distinct and separated from it, to be entered and left by individuals. It was to be created by the kind of conduct that applies to itself the above mentioned criteria of rightness alone. In this sense Havel insists in his essay that “we need first and foremost to help ourselves” [Ibid.: 391]. It was a task for every single person to look for and test possible enclaves in everyday conduct in which these criteria could be employed. In the anti-political everyday dimension, Havel concludes, “it is becoming evident that politics by no means need remain the affair of professionals (...).” [Ibid.: 398].<sup>9</sup>

What Havel also alludes to in this phrase, though somehow unwittingly, is a peculiar politicisation of everyday life under and by the communist regime. In this world, even seemingly innocent personal choices – like artistic taste, dressing, lifestyle, circles of friends, religious faith, withdrawal from public life, and so on – *might* be interpreted in political terms, i.e. as an expression of one’s attitude towards the regime. One did not have to make the effort to attach political meaning to one’s behaviour. The political environment itself did the job<sup>10</sup> – not systematically and in an ideologically consistent way, but selectively and instrumentally. Thus the schizophrenia at the level of individual conduct and attitudes found its parallel in the way the state gained the loyalty of citizens. On the one side, no sincere ideological commitment was really expected to underpin the manifestations of loyalty, on the other side, the door was still kept open for exercising effective pressure against any individual.

Paradoxically, the situation that allowed for the political interpretation of one’s behaviour also provided a relatively safer space for the expression of political resistance. One did not have to be explicit in one’s opposition to the regime. It could be expressed in other, more implicit ways. The famous grocer from Havel’s *Power of the Powerless* could always defend himself before the authorities by saying that he had just forgotten to put the communist symbols in his shop window. He might not have avoided some troubles by acting this way, and he could have hardly repeated this omission next time without getting into more serious trouble. The point is, however, that while his inner motive for not expressing symbolic support to the regime could be authentic without necessarily leading to an open conflict with the authorities, an authentic explanation of his act could already mean an existential threat.<sup>11</sup> Quarrels with bureaucratic authorities over the interpretation

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<sup>9</sup>) “I favour politics as practical morality, as service to the truth, as essentially human and humanly measured care for our fellow-humans” [Ibid.: 397].

<sup>10</sup>) This is a rather too impersonal view. It was of course real people who were able and did assign political meaning to other people’s conduct. Perhaps the capacity to assign political meaning to other people’s action was one of the social signs of the presence of power relations.

<sup>11</sup>) It must have been a tough job for the political interpreters to decipher the real motives of a toy-shop merchant in Brno who in 1986, following the rule, put the slogan in his shop window saying ‘We Greet the Delegates of the Regional Conference of the Communist Party’ – leaving this surrounded by dozens of teddy bears.

of one's behaviour was a common conflict experienced by people who at the same time did not explicitly express their opposition to the regime, but who did not behave exactly as was expected. Ironically, this sometimes made ignoring formal manifestations of loyalty – i.e. authentic behaviour – easier for those who were on more friendly terms with these authorities or their representatives.

My intention is not to ironise the concept of authenticity. What I seek to point out is some of the ambivalence that it contains. In the situation described above, people could feel as if they were not succumbing to the impersonal power of the regime – as if they were not playing its game – in more than just one dimension of their public conduct. If they felt the need to express their disloyalty, they tended to do it either indirectly (i.e. implicitly in the above sense) or negatively (i.e. they abstained from expressing loyalty, rather than expressed their disloyalty). What is even more important is that in both cases they did it in individual ways.<sup>12</sup> Generally, then, in order to retain some degree of moral integrity, people sought to avoid public situations in which they were forced to express their attitude to the regime clearly and explicitly. As this was not always possible, people had to calculate the costs of a strictly authentic, moral stance in this kind of situation. It not only could put one into open opposition to the communist state. It also threatened to exclude one from society in a significant sense.<sup>13</sup>

This shows how the politicisation of society contributed not to its uniting but to its segmentation. It was difficult for Charter 77 to cross its borders and spread the spirit of civil society<sup>14</sup> in a wider social environment. In a sense, these were two societies with two somewhat different moral codes. This is not to say that the openly and uncompromisingly resistant stance, represented by the dissident movement, was completely alien and impenetrable for the rest of society. It was just inappropriate for their world, if this world of relative security without public freedom was not to be destroyed completely. Charter 77's status was that of a moral memento, rather than of a leading or mobilising force. Standing often as moral idols, the dissidents remained in a sense as much removed from ordinary people as the members of the Central Committee of the Communist Party.<sup>15</sup>

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<sup>12</sup>) Individual acts expose the actor's motives to political interpretation much less than acting in concert with other people. This sociological tenet was felt strongly, if intuitively, by people.

<sup>13</sup>) This ranged from troubles with finding jobs (dissidents were typically isolated from society as window-cleaners, stokers, etc.) to imprisonment as a permanent physical exclusion.

<sup>14</sup>) It was for example Jan Urban who saw an 'element of civil society' in Charter 77, as well as in the Polish KOR [Urban 1990].

<sup>15</sup>) Petr Pithart and Ludvík Vaculík were two outstanding figures of the Czechoslovak dissent who critically pointed to the centrifugal effects of the maximalist moral appeal launched by Charter 77. The sense of moral elitism, aroused by this appeal, separated and effectively isolated the dissident movement from the rest of society. The strict moral code of the dissident world stood as a barrier between this world and the sympathetic outside one.

Later in the 1980s, nevertheless, there were attempts at a somehow more differentiated view of Czechoslovak society. Martin Bútora [Bútora, Krivý and Szomolányiová 1990] coined the term 'islands of positive deviation' for activities that escaped normality by their independence – both organisational and moral – of the regime. Even though this term was to cover a wider spectrum of activities than only those by Charter 77 (like ecological or artistic), the term 'deviation' is symptomatic and was not chosen accidentally. The activities described by this term did not deviate from

The bureaucratisation and ideologisation of everyday public life forced people to look for a sphere of authentic conduct outside this space. Whether they played the regime's game and took a disengaged part in manifestations of loyalty or were reluctant to do so, in any case they largely found the space for authenticity in their private lives. Havel's life-world – the sphere of concrete experience and personal responsibility, and the sought after equivalent of a truly civil society – did not expand into public life. On the contrary, the sphere of practised morality shrank to the sphere of intimate relations, and the whole concept of morality was radically 'privatised.' Dichotomies such as good and bad, right and wrong, truth and lies were, more than elsewhere, recognisable in and applicable to intimate personal relations on the one hand, and/or they became a matter of the internal spiritual life of a person, on the other. Ironically, as Ludvík Vaculík has pointed out, the peculiar consequence of this atmosphere was that the heroic moral stances of the narrow circle of dissidents were deprived of their public status, and were perceived "still more as just their personal business" [Vaculík 1990: 30].

### **Civil society as a way of political democratisation**

What was especially at stake at the first stage was – should we employ the language of space – a certain minimal level of independence of and protection from the all-penetrating state (administrative-ideological machinery). The simple distinction between the state and (civil) society was central. The two poles were to be strictly distinguished and set against one another in order to gain or defend a protected public space for state-independent activities. The idea of civil society in relation to the state stood for an essentially defensive project.

This changed radically after the political break of 1989. Unlike Czechoslovak oppositional activities before 1989, the Polish Solidarity movement can be seen as a transitional case. Already before 1989, this movement bore some elements of the kind of open political engagement that marks the second stage in my sketch of metamorphoses of the idea of civil society.<sup>16</sup> But it was not before 1989 that the idea, as it entered a quite different political constellation, definitely acquired a completely new meaning. While referring to civil society before 1989 meant seeking protection from the state, now the state alone – the thoroughly disturbed political and ideological power structure – was to be penetrated by something like 'public spirit' supplied by the whole of society. Now the civilised politics was to be conducted within and through the conventional political institutions of the state.

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rules posed by the regime. The term pointed to the status these activities had in a wider society, however respected or even admired they might have been by the majority of the population.

Jiřina Šiklová [1990] added another segment to those two social worlds – the 'grey zone.' She saw the 'grey zone' as a growing and socially heterogeneous segment of the population that still may have played the 'loyalty game' but which was also close to the dissent by its attitudes, and which, most importantly, was still more interested in a regime change as it could not consummate its non-political skills.

Similarly Ivo Mořný [1990] provides a sociological explanation of the 1989 political change by pointing out the interest of a widening segment of population in withering away the political and economic regime that prevented it from realising its social, cultural, and also economic capital.

<sup>16</sup>) For a more detailed account see [Marada 1996: 45, note 7].



The new phase came along with the establishment of the leading revolutionary agent – Civic Forum/Public Against Violence<sup>17</sup> – and its rapidly growing political role in the first months following November 1989. The Forum's spokesmen also tended to present Civic Forum as an institutional base or agent of civil society – as the broadest possible ground on which various opinions were to be discussed and refined as to how to shape the new political life of the country.<sup>18</sup> Within this context – i.e. as bound to institutions like Civic Forum – the concept of civil society became radically politicised: civil society turned into a catchword for a truly political democratisation.

It is an interesting lesson to trace the transition of Civic Forum from the originally rather (ideologically and organisationally) amorphous political subject to a set of distinct political platforms, out of which several independent political parties eventually arose. In general, the event of the rise and fall of Civil Forum replants the discourse of civil society from the language of authenticity, moral autonomy and integrity, politics as conscience, the struggle for basic human rights and freedoms, political manipulation of public space, mechanisms of resistance (against the regime) or escape (to privacy), to the language of sovereignty, decision-making, legitimacy, representation, political mobilisation and participation, organization and communication (or strategic and communicative action).

Inspired especially by the Polish development from the early 1980s (the experience of Solidarity and KOR) and by Gorbacov's reforms in Soviet Union in the second half of the decade, the Czechoslovak oppositional movement before 1989 – however paralysed in its actional potential – did not completely neglect the question of prospective strategic behaviour in the case of a fundamental political upheaval. Yet in November 1989, Civic Forum was not established according to a detailed strategic plan, neither did it arise out of an intensive and co-ordinated organisational effort. It emerged rather spontaneously as a response to events that had gradually revealed a growing willingness of ever larger parts of the population to stand up openly to the ever weaker (i.e. paralysed or inactive in its repressive functions) regime.

In the West, Civic Forum has sometimes been mistaken for Charter 77 or taken as its successor. Yet although there were many people connected with Charter 77 who played an important role in forming Civic Forum, the two institutions were linked rather loosely to one another. No doubt there was a strategic reason behind diminishing this linkage. It had to do with the legacy of the exclusive character or position within society that Charter 77 had acquired before 1989. This legacy could have represented a barrier to the mobilisation of a massive and active support in this situation that posed new challenges before the opposition movement. Openness was one of the most important imperatives of the new movement, and the way in which Civic Forum came into being corresponded to this imperative.<sup>19</sup>

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<sup>17</sup>) The Public Against Violence was formed as Civic Forum's Slovak equivalent and closest partner. Their common or co-ordinated activity from the first months after November 1989 was later replaced by shifts towards greater independence of one another. Here I will concentrate upon the Czech part of this dual body.

<sup>18</sup>) This strategy was in a sense natural, regarding the lack of procedural (legal) legitimacy as well as of political experience on the part of the new political leadership.

<sup>19</sup>) The word 'Forum' in the movement's name was to symbolise this very openness. It was not chosen accidentally. The movement was to stand as a platform open to all who wanted to speak and act as sovereign citizens in confrontation with the state power.

Upon the declaration of a group of intellectuals in a small Prague theatre, Civic Forum, as it came into being, had nothing of a formally organised institution but its name. It had no members, only acting sympathisers. The spontaneous and informal way in which the first Civic Forum had arisen became a pattern for the emergence of hundreds or thousands local Civic Forums. They were not established by any predetermined rules, only by acting in certain ways under the same label. And everyone could sympathise, everyone could act under that label, at least in principle. Members of the Communist Party were often quite active in establishing and working for local Civic Forums, whatever the reasons they did it for. There were no rules or pre-set binding criteria for the selection and adoption of Civic Forum's members. There was no formally established higher authority with the power of excluding those deemed unsuitable. In theory, even the Central Committee of the Communist Party could form its own Civic Forum, however absurd this may sound.

In the first months after November 1989, there emerged a symptomatic confusion: the movement was understood and labelled both in the singular, as the Civic Forum, and in the plural, as Civic Forums. This confusion reflected a double role the movement was to play in that period. It stood as a spontaneously acknowledged representation of popular opposition in the face of the political representation of the decaying regime; and it was a shield and ground for the mobilisation of active popular participation in and support for the revolutionary changes. It was especially the latter function that rendered the movement the paramount agent of a politically activated civil society. The proponents of the idea of radical democracy found here an empirical example, however imperfect, of their visions.

Those who tend to equate the notion of civil society with the republican ideal of active citizenship in the political sense often go back to Hannah Arendt's praise of self-organised bodies of concerted action which periodically emerge at revolutionary times. In her *On Revolution*,<sup>20</sup> Arendt finds these kinds of activities in self-appointed councils as agents of autonomous collective action, among which the elements of hierarchy and formal organisation are largely suppressed. At the same time, however, she points out that these typical fruits of great revolutions are later regularly replaced by another kind of collective body: political parties as large bureaucratic and hierarchical organisations. At this point, she expresses the basic polarity that marked the manner in which the notion of civil society was understood in the post-revolutionary period: civil society was no longer pitted against the alienated state as a whole but against the particular institution of the political party. And the former was contrasted with the latter not just as a parallel sphere or way of public conduct but as a viable substitute for the party in its very political functions.<sup>21</sup> What was at stake was the way in which the political process itself – i.e. the state and its decision-making procedures – was to be organised.

The conflict between the movement (as an agent of civil society) and the political party contains a fundamental ambivalence that affected the character and practice of Civic Forum from the very beginning of its existence. The two mutually related dimensions of

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<sup>20</sup>) Hannah Arendt [1965]; esp. the chapter 'The Revolutionary Tradition and its Lost Treasure'.

<sup>21</sup>) This is why we cannot introduce here Cohen's and Arato's well elaborated conception of civil society [Cohen and Arato 1992] as a corresponding theoretical account. For all its explicit radical democratic inspiration, this conception is grounded in a more differentiated picture of society, and it retains a legitimate room for institutions of political parties as well.

this ambivalence have already been mentioned: besides the confusion about the unity or plurality of the movement, it was especially the tension between representation and participation as two sorts of political functions for which the movement was to provide a ground. "The conflict between the two systems, the parties and the councils, came to the fore in all twentieth-century revolutions. The issue at stake was representation versus action and participation. The councils were organs of action, the revolutionary parties were organs of representation (...)." [Arendt 1965: 277]. The problem was that Civic Forum found itself in a position in which the Forum was expected to act simultaneously as both the systems that Arendt contrasts with one another.

The movement's dual character brought about practical difficulties that stimulated its gradual shift towards a hierarchically organised large-scale organisation of the party type. In the initial phase of the formation of local initiatives, for example, there were cases that two competing Civic Forums were formed in one and the same place. The problem of authenticity came back into the game in a quite different context. Later we saw that the same thing could happen to established political parties as well. But in the early post-revolutionary period, there was no higher body to decide authoritatively which of the competing Forums – which activity or which persons – were more authentic than the other. Needless to stress how such conflicts undermined trust in and legitimacy of the movement that at the same time sought to represent the main stream of the revolutionary process at the national level. Here the sense of unity had to be maintained, all the more so given the fact that before the June 1990 parliamentary elections Civic Forum could not rely on any legally anchored democratic legitimacy. Moreover, the spontaneous implicit but strongly-felt unity and popular support for the representatives of Civic Forum in play at the end of 1989, gradually lost its intensity as the first controversial issues emerged before the reconstructed executive and legislative bodies in Spring 1990. It became necessary to set clear rules as to who was to represent the movement even at lower levels. Especially so if stable and efficient channels of communication and co-operation were to be established between the local and the national levels of the movement.<sup>22</sup>

In Arendt's text, we can also read about the main 'external' circumstance that makes the replacement of local self-organised bodies of collective action by large-scale bureaucratic institutions of political parties virtually unavoidable in modern societies. She reminds us that modern politics has its core at the state level. The latter is where the most important decision-making processes take place and political power finds its locus. Political problems are typically formulated as problems of the state: be it legislation or international politics, social policy or the administration of the economy. Thus "the spectacular success of the party system and the no-less spectacular failure of the council system were both due to the rise of the nation-state, which elevated the one and crushed the other (...)." [Arendt 1965: 251].

In short, when the revolutionary upheaval was over, it was still more difficult to find a proper field of action for local Civic Forums as autonomous political agents. The network of established Forums followed the pattern of political organisation characteristic of the former regime. They gathered and were organised predominantly at places of work:

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<sup>22</sup>) Jiří Honajzer [1996: 40] points to the troubles with nominating delegates at and for the movement's conferences in the situation where there was no formal membership and the selection of representatives was thus exposed to possible manipulations from 'outside'.

factories, offices, schools, and so on. Before 1989, it was the workplace that was not only the locus of social integration, but also the major arena and basic level of political integration and control. Therefore, this way of organising Civic Forums seemed natural at the end of 1989, as it was here where the closest agencies of the old regime's political power were to be faced. The institutional establishment of the Civic Forum movement thus in a sense protracted the tradition of a systematic politicisation of the workplace practised by the previous regime. Once the old political structures at places of work had been abolished, however, the existence of these Civic Forums largely lost their *raison d'être*. Moreover, as the depoliticisation and privatisation of the economy soon became one of the major objectives of the transformation, the existence of local Forums came into conflict with the very substance of the central Forum's politics.<sup>23</sup> The more the practice of Civic Forum at the state level acquired the character of a party activity (with an intensive factional life), the more it became difficult to retain the existence of local Civic Forums in their privileged positions. It was impossible for just one part of the country's political scene to have its own exclusive agents as paramount organs of popular power at the local level. Thus even before the central Civic Forum was transformed into several political parties in early 1991, local Forums began to give way to conventional institutions such as trade unions (in representing social and economic interests) and newly elected or appointed local governments (in administering the public life of local communities). As a matter of fact, local Civic Forums had never fully replaced these institutions. They just formed parallel power structures at the local level, and they took them over to various extents.

Even Arendt did not expect that a movement-type body could stand as an organ of truly democratic participatory politics at the national level. Practical difficulties with non-transparent opinion formation and articulation as well as complicated and heavy-going mechanisms of decision-making in and through such large-scale organisations are obvious. We need not share Arendt's harsh criticism of mass social movements as proto-totalitarian in order to be able to detect some of the practical troubles in Civic Forum's political functioning. Founded on the idea of wide consensus, for example, the movement never developed efficient mechanisms of reconciling internal conflicts. Therefore the formation of different factions within the movement – quite natural as the country's transformation required fundamental and also specific political conceptions – did not stimulate discussion. At the top level, it rather brought about the political style of factional conspiracy instead of that of open discussion. As Civic Forum played the role of political opposition to itself, every open conflict also effectively weakened the movement in relation to external political competitors, and was therefore felt as a threat. This is not to say that the split of Civic Forum in the beginning of 1991 was unavoidable. Yet keeping these difficulties in mind makes the movement's transformation into several independent political parties more understandable. No doubt this split was a crucial step and major event in changing the character of political life in the country.

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<sup>23</sup>) Illustrative enough in this respect was the controversy between representatives of local Civic Forums in the district of Hodonín and the prime minister of the Czech government and leading figure of the national Civic Forum Petr Pithart, in 1991. The former felt helpless in face of the old communist functionaries taking high positions in the local economy but they had no longer the power to effectively impede this trend. Pithart, when asked for help, simply referred them to the legal framework that was to be respected.

### **The paradox of a state-built civil society**

As soon as a competitive party system was established, and representative parliamentary democracy was taken as a model for normal politics, a new ground was to be sought for the idea of civil society. Now a new boundary between the state and civil society was to be drawn, and a new meaning and role for both in their mutual relationship was to be found.

Although the latest metamorphosis of the notion of civil society took a more gradual path than the previous one, there still exists a distinct event we can refer to as the point of full inception of the new stage. It was Václav Havel's 1994 New Year's speech as President of the country, in which he accelerated the new phase of discussion as for what civil society is, why we need it, and how to get it. Having admitted that the basic institutions of parliamentary democracy and the market economy had already been established, he pleaded – under the slogan of civil society – for political support for institutions that should mediate not only between these two spheres, but especially between each of them on the one side, and society on the other.

Havel's plea for civil society was explicitly directed to two specific areas of institutionalised public activity for which he sought political support: first, the so-called third or non-profit sector; and second, the local level of public administration. Somewhat later, higher bodies of competence for corporate institutions such as professional chambers, associations, and trade unions were sought, constituting another component of his plea for a more developed civil society. Soon these three issues – reflecting the practical problems faced in shaping the character of the state and society – became among the major clashing points of recent political discussion. Along with them, political stances have been refined and their ideological backgrounds revealed.<sup>24</sup> Moving in this direction, on the other hand, the conceptual framework that characterized the previous stage was modified and enriched by the language of functional differentiation and mediation of interests.

Of course, Havel was not the first in the Czech political discussion to promote the above-mentioned institutional spheres and their development. They already had their proponents before he came up with his appeal. He only put these demands on common ground by connecting them clearly and explicitly to the vision of building a viable civil society. As an intellectual and political authority, Havel has played an important role in rendering civil society a catchword for these demands which are often raised in political terms – a catchword that in the course of time has been adopted by a large number of proponents.

Out of the three spheres – i.e. the non-profit sector, local administration, and unions or professional chambers – it is the first one that has gradually acquired a prominent place as an institutional core and representative of civil society. Unsurprisingly, it is at least intuitively felt that it is here that the ethos of civil society may find a space more open to its expression and realisation than in the other two. More specifically, it is here

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<sup>24</sup>) Even though Havel himself does not speak explicitly for any political party or doctrine, the major clash has obviously been between liberals, on the one side, and (neo-) corporatists or associationalists, on the other. The dispute has been closely tied to practical political issues, with arguments often representing stances of concrete political parties, yet it has also produced more theoretically-based reflections. Perhaps the most consistent theoretical defence of the corporatist and associationalist conception of civil society is [Šamalík 1995].

that independent initiative and individual responsibility may better be allied with the sense of public good and civic competence, with associating freely for a common purpose, and still remain relatively shielded from instrumental and functional imperatives imposed by the political-legal-bureaucratic system, or from the constraints imposed by clashing partial interests of the polity.

In the other two cases, it would not be difficult to point out the undesirable consequences or ignored aspects of the institutionalized activities in question. On the one side, one could highlight the inflation of bureaucratic practices that may accompany decentralisation of public administration; on the other side, problems could arise in the intervention of organised partial interests in the process of political decision-making, which could make the whole process even less transparent, leave out the unorganised and the weaker, and confuse the concept of political representation itself. To be sure, the sphere of non-profit social, cultural, educational, service-providing or productive activities is by no means completely free of these or similar dangers. In this case, however, the interactions and interdependencies between, on the one hand, the character of given institutions, the goals they pursue, and the principles that are to guide their activities and, on the other hand, the constraining imperatives of the legal-bureaucratic system, are much more subtle and puzzling – but also more theoretically interesting by the same virtue.

There are two aspects involved in the relation between the non-profit sector and its environment that particularly distinguish this sphere from the other two. First, the sphere claims independence from the state not only in respect to the state's refraining from intervention in the activities taking place within the sector, but also in the sense of the sphere's limited or complete lack of intervention in the process of political decision-making on any level. In short, this sphere is exposed much less than the other two to imperatives of the political system in the determination and pursuit of its goals. It may flourish in parallel to similar state-run activities without a permanent (if often latent) tug of war with the state regarding the competence for decision-making.

Second, besides the state (the sphere of politics and administration) on 'the opposite side,' a new pole enters the game: the sphere of the market economy. In delineating the areas and character of the third sector's activity, a distinct line is to be drawn between the non-profit sphere and that of profit-oriented market activities and relations. It is on this distinction that the practical desirability of the third sector is based, as well as on its moral superiority. In Havel's appeal, we find both. On the one hand, he pleads for the support of public initiatives in areas that are commonly held to be beneficial for society, but which provide little or no profit as economic activities based on market relations (and in which the state often tends to be ineffective or even detrimental). On the other hand, he stresses the ethical dimension and educational role of these kinds of initiatives as expressive of and nurturing a sense of solidarity and mutual support. In this respect, too, we may remain with Havel's appeal as sufficiently representative for the whole discussion. He explicitly and consistently transplanted the idea of civil society into a new context within which it was to be discussed and contested.

For now, I will leave aside the question of distinguishing non-profit and profit-oriented activities as guided by two different moral codes.<sup>25</sup> This is not to suggest, however, that the moral aspects of the distinction are of no or only little importance. Yet it is

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<sup>25</sup>) For a thorough contemporary discussion of this problem see [Wolfe 1989].

equally important to realise that the problem cannot be reduced to its moral dimension. For reducing the distinction to a mere moral judgement would amount to limiting the possible use of the idea of civil society as a specifically political appeal – i.e. either as an appeal addressed to political actors or as connected to a certain political programme. One has to formulate the question of civil society as a question of state politics in order to be able to employ the idea of civil society as a political appeal. And it was in his 1994 New Year's speech that Havel clearly demonstrated that he was no longer content with the role of mere ethical authority, launching moral appeals that may be politically relevant but still remain neutral to practical political alternatives at hand. His speech carried an unambiguous message concerning concrete steps he wanted to see taken by the legislative and executive political representation of the state.

In this way, the locus of the struggle for civil society was replanted into the political arena. In other words, the prospect of building civil society has become a task for practical politics – i.e. a task for the state as represented by its legislative and executive bodies. The state comes back into the game through the back door, and it returns in a new role of constructor. It is no longer expected to retreat from certain areas of public life so as to empty some space for civil society. Now the state is asked to create the institutional (legal, material, etc.) space.

It is necessary here to reiterate the peculiar consequences that the changes in contexts have had for understanding civil society's relation to its environment. At the first stage – before 1989 – civil society was expected to burst out and flourish naturally as soon as the state retreated from certain areas of social life. In the second phase – at the time of Civic Forum – civil society was even conceived of as something that was already present, and which only had to be given the opportunity to affect and thus democratise the political process of decision-making. At the present (third) stage, contrary to both previous stages, civil society stands for something that needs external (political) help to develop – as something that has to be nurtured and cultivated by the conscious and purposeful activity of political and administrative authorities.

Assigning the task of establishing civil society to the state presupposes that it is sufficiently clear what civil society is, i.e. what kinds of practices and/or institutions represent or embody it. The point is that civil society may become an object of political 'constitutive' intervention only when understood in an accordingly specific way. Expecting an agent (the state) to purposefully influence the process of formation of civil society requires the ability to understand the latter in terms of institutions and/or practices that can be created or shaped or maintained by the purposeful activity of the state. In short, it is precisely the picture of civil society as institutionalised in a network of so-called non-profit organisations (the third sector) that makes it possible to hold the state responsible for civil society and its development.

In this regard, it is quite symptomatic that in the present Czech political debate about civil society the question of social movements is largely left out of the picture. The theme of the social movement as an institutionalised form of civil society occasionally arises when a movement's function of political mobilisation and its intervention in the process of political decision-making are at issue. This is especially the case of the environmental movements. But we would hardly find the theme conceptualised in this way having in mind the function of social integration, the question of the self-reflection and

self-understanding of social actors and practices.<sup>26</sup> The willingness or ability to picture social movements in terms of the idea of civil society only when they present themselves as formal organisational structures, in explicit programmes, and through organised forms of collective action points to the tendency to instrumentalise the concept of civil society itself.

What is more important here, however, is that movements seem to represent too diffuse social phenomena to be imagined as possible subjects of the state's politically 'constructive' intervention. In other words, the social movements are too independent – in how they emerge and function – of that which the practical politics of the state can directly influence. Regarding this, we can even better come to see that focusing on the third sector as an institutional core of civil society corresponds to the tendency to understand civil society not so much in its political function as in its political origin. At the same time, however, it is the case of the non-profit, third sector that we can perhaps best document some blindspots in the vision of a state-built civil society. This is especially because the processes of bureaucratisation, 'legalisation' (*Verrechtlichung*), and monetarisation that accompany the third sector's expansion under the patronage of the state contrast stunningly with the ethos on which the sector is supposed and expected to be based.<sup>27</sup>

The problem – if we want to see it as a problem at all – is not just that the state becomes an arbiter in evaluating society's moral preferences by favouring (through legislative and economic means) one sort of activity and relatively disadvantaging others. The issue of the state as a moral agent might take us further into the political theory, and therefore it will be skipped here. Sociologists would rather address another kind of question: how the conception of a state-built civil society affects the picture of the latter in terms of what Robert Putnam [1993] calls *institutional performance*. Putnam studies the institutions of local administration in latter-day Italy, yet his conclusions undoubtedly bear relevance to the problem of third sector institutions as well. Instead of observing an educational effect of institutions of local democracy in those parts of Italy where civic culture has been rather underdeveloped, he finds there a malfunctioning system. It is also this finding that poses a serious challenge not just before social actors who act through the institutions of civil society, but also before social theory that should avoid appealing to one kind of institutional practice by criticising and looking for flaws in those spheres of action that are seen as the former's competitors.

### Civil society as challenge for social theory

The basic dilemma we face is evident, and its formulation in political and social science has over time acquired the character of an evergreen: the development of the third, non-profit sector is dependent on the state's active involvement, yet, at the same time, this

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<sup>26</sup>) Here I am alluding to Alberto Melucci's understanding of social movements as practices, rather than as agents or characters [Melucci 1989, 1996]. In Cohen and Arato [1992], the distinction between what we may call the instrumental (political) and hermeneutical (social) aspects of the phenomenon of new social movements is described in terms of the difference between the 'politics of influence' and the 'politics of identity.' They, however, want to retain both as relevant for understanding social movements as institutional representatives of an updated idea of civil society.

<sup>27</sup>) I have focused more closely upon the paradoxes of a 'state-built civil society' – with special attention to the third sector – in my article [Marada 1996].



involvement threatens to corrode the very ethos that is supposed to motivate the participating social actors. This especially applies to societies that find themselves in transition from one type of political-economic regime to another. Here the dilemma reveals its stakes with an increased clarity.

The question is: what does this mean – first, for social and political actors, and second, for social and political theory? In my concluding remarks, I will try to point out the sense in which the practical consequences of the above-outlined situation for social conduct, on the one side, and critical theoretical reflection, on the other, are closely connected.

The crucial question for social actors is the following: should they refrain from acting through institutions which are necessary for making their activity efficient and transparent to others but which force them at the same time to conform to imperatives incongruent with the ethos that motivates their action?

A positive answer would find its ground in the kind of critical theory that dismisses not only bureaucracy and market economy but also positive law, technology, and science. The formal and instrumental character of these institutions, according to this way of thinking, conceals and effectively reproduces the oppressive character of modern society that functions through them. This radical tradition of critical theory – which found its first systematic expression in Marx and then among various sorts of his followers – teaches us that every activity made effective through those institutions, regardless of its immediate impact, serves in the last instance to those who govern or profit from the system as a whole.<sup>28</sup> In other words, the institutional system poses strict barriers to every action undertaken within it – however good and beneficial for society's members – which could upset the power relations maintained and reproduced by the former. In this view, the oppressive character of the system as a whole eventually reverses the general meaning of every institutionalised activity in favour of the relations of domination, and by this virtue devaluates every particular good.

This certainly is not the kind of critical thinking that is advocated here. At the same time, however, I do not recommend abandoning completely the theoretical claim of perceiving particular activities as constitutive parts or functional elements of a wider societal and institutional context.<sup>29</sup> Rather the claim is to be complemented by the attempt to distinguish between the moral and the institutional dimension of public conduct, and to reflect upon public conduct along this double track. Such an attempt should not only help us keep in mind that a certain portion of bureaucratic skills or economic calculation, observance of legal limits or reliance upon scientific information, (and even a certain degree

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<sup>28</sup>) Thus not only prisons and the army but also hospitals and schools are seen as normalising and disciplining institutions, the media as fabricating unified public opinions and destroying independent critical thinking, social welfare policies as corrupting the disadvantaged and potentially dissatisfied, charity as a theatre making the poor grateful and healing the bad conscience of the rich, family as a reified structure reproducing gender inequalities as well as children's oppression, avant-garde art as diverting and dissolving the impetus to revolt, parliaments and trade unions as paralysing political opposition through its inclusion into the system, the judiciary and police as criminalising institutions, and human rights as a shield that separates individuals from each other and protects first of all those who profit from all this.

<sup>29</sup>) Disregard of the wider societal and institutional context of action would also deprive the political and social actors of the capacity to define in particular cases the public good or public interest.

of ideological simplification or hierarchical disciplinary organisation) – i.e. that which often makes public activity effective and transparent – are not by definition mutually exclusive with public conduct beneficial for society in moral terms. In other words, this view reminds us that acting within and through institutions does not necessarily make it impossible for social actors to act in a civilised manner and pursue goals that morally motivate their action. But it also should help us confront the institutional (bureaucratic, economic, ideological, organisational) costs with the moral value and public desirability of goals to be achieved in order to find a proper balance between these two sides in particular cases.

In short, the task for civil society is not that some kinds of institutions be avoided or abolished altogether. It is only that public conduct cannot succumb to their instrumental and functional imperatives which would deprive such conduct of its ethos, making an empty routine of it in a similar way as happened to the capitalist economy in Max Weber's picture [Weber 1958]. It is in avoiding this very alternative that critical social theory may play an important role – first, as a means of critical analysis of certain kinds of social practices; second, as a theoretical self-reflection of the participating actors.

The tendency to employ the idea of civil society as a tool of political appeal – against the supposedly competing spheres or kinds of action – may well lead to the confusion affecting the current Czech political discussion. One side of the dispute accentuates the moral ethos of the non-profit activities, whereas the other points out the instrumental aspects and functional defects of the institutions through which the activities are to be made effectual. The problem is that neither of the sides makes enough effort to distinguish between the ethical and institutional (instrumental and functional) aspects of the problem. The one side promotes a certain legal-economic form of public activity as embodying the sought-after ethos, the other challenges the ethos's cogency by connecting it with the possibly malfunctioning institutional structure. In this way, paradoxically, both sides contribute to discrediting the idea of civil society in one and the same direction. They expose it to the accusation of being a mere illusion that serves to shield the possibly imperfect practices of certain kinds of institutions, an ideological veil that idealises these kinds of institutions and protects them from critical assessment.

The task of a critical assessment cannot be reasonably undertaken from the viewpoint of the theory of the state or that of the market. In a formal sense, a social theory based on the idea of civil society is in a similar position to those other two sorts of theories. Today it is – and it has perhaps always been – more theoretically fruitful to employ the idea of the market as a means of analysis and a measure of critique for the actual economic relations that we call the market, rather than using it as a protective shield that should defend the clumsy and heavy institutional scaffold of contemporary markets against other forms of social or economic activity.

To take another, more concrete example: we do not have to accept Carl Schmitt's anti-democratic position to be able to appreciate his analytical strategy in criticising parliamentarism by confronting the original principles on which modern parliaments had been founded with the way they actually functioned in his time. He hastens to denounce an institution as soon as he realises that it no longer represents the ethos which once legitimised its establishment. Although in Schmitt's case we have reasons to suppose that he looks for and points out incongruities between the legitimising ethos and actual practice *in order to* (i.e. with the intention to) denounce the institution.

This is certainly not the source of motivation recommended for the critical theorists of civil society. The idea of civil society – as a symbol of certain kinds of social or public sensitivity, attitudes, ways of acting and thinking, or moral reasoning – is not here to denounce the institutional base of the non-profit sector. Even less does it serve to denounce the institutions of the state or the market. The latter two occupy their own fields of action, where they operate according to their own imperatives and criteria of rationality. The idea of civil society as a sphere of civilised public conduct of free, moral, and rational individuals may (and perhaps should) pose limits to those spheres. But it is not an imperial vision. The fact that it is aware of its own limits testifies to its own civility. It best serves as a means of critical analysis of public action that is not primarily guided by political goals or economic calculation. As a means of critical analysis, it is designed to be applied to the sphere of civil society itself.

Such an approach may take some illusions from social or political actors. But I do not believe it can disable what motivates them. Civil society is that kind of social life in which motivations do not stem from illusions but from rational and moral judgement. If we do not admit that this distinction – between illusions and rational-moral judgement – is possible at all, we lose the very ground for the articulation of the idea of civil society itself. The symbol then becomes incomprehensible and useless, since it has no basis in a Nietzschean world which blurs that distinction. Therefore also critical theory based on the idea of civil society need not be afraid of nature, which, according to Nietzsche's prophecy, will punish as the cruellest tyrant those who take illusions from people.

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